



## **Michigan Supreme Court**

State Court Administrative Office

### **Trial Court Services Division**

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

### **MEMORANDUM**

DATE: August 31, 2006  
TO: Probate Registers  
FROM: Jean A. Mahjoory  
RE: Disclaimer – Filing Fee

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At the annual Michigan Probate and Juvenile Registers Association conference in June, a question was raised regarding the filing fee when a disclaimer of interest is filed and there is no estate pending. The answer is that there is no filing fee when a disclaimer is filed, whether or not an estate is pending.

A disclaimer is not an application or a petition, which is what is required to commence a probate proceeding pursuant to MCR 5.101, so the \$150 fee required to commence an action does not apply. A disclaimer does not qualify as a motion (which would require a \$20 filing fee) because it does not request an order pursuant to MCR 2.119(G)(1). The statutory references to disclaimer (MCL 700.2901 – 700.2912) do not establish a filing fee. Therefore, there is no authority within the statutes or court rules to collect a filing fee when an individual files a disclaimer of interest.

If you have any questions or comments regarding this memo, please contact me at 517-373-3769 or [mahjooryj@courts.mi.gov](mailto:mahjooryj@courts.mi.gov).